

ASSEMBLY BILL

No. 182

Introduced by Assembly Member Ackerman
(Principal coauthor: Senator Alpert)

January 19, 1999

An act to add Section 647.1 to the Penal Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 182, as introduced, Ackerman. Invasion of privacy: concealed cameras.

Existing law makes it a misdemeanor for anyone to look through a hole or opening or view, by means of any instrumentality, into the interior of a room, where the occupant has a reasonable expectation of privacy, with the intent to invade that privacy.

This bill would make it a misdemeanor or a felony, with specified punishments, to secretly videotape or photograph another person under or through his or her clothing, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which a person would have an expectation of privacy, whether in a public or private place. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated

by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 647.1 is added to the Penal Code,
2 to read:

3 647.1. (a) No person shall, through the use of a
4 concealed camcorder, or photographic camera of any
5 type, secretly videotape or photograph another person or
6 persons under or through the clothing being worn by that
7 other person or those other persons, for the purpose of
8 viewing the body of, or the undergarments worn by, that
9 other person, or those other persons, without the consent
10 or knowledge of that other person, or those other persons,
11 with the intent to invade the privacy of that other person,
12 or those other persons, under circumstances in which a
13 person would have an expectation of privacy, whether in
14 a public or private place.

15 (b) Any person who violates the prohibition set forth
16 in subdivision (a) shall be punished by a fine not to exceed
17 five thousand dollars (\$5,000), or by imprisonment in the
18 state prison, or in a county jail not exceeding one year, or
19 by both that fine and imprisonment.

20 SEC. 2. No reimbursement is required by this act
21 pursuant to Section 6 of Article XIII B of the California
22 Constitution because the only costs that may be incurred
23 by a local agency or school district will be incurred
24 because this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition
28 of a crime within the meaning of Section 6 of Article
29 XIII B of the California Constitution.

30 Notwithstanding Section 17580 of the Government
31 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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